

1 BOARDS AND COMMISSIONS

2 Board of Pharmacy

3 (New Administrative Regulation)

4 201 KAR 2:063 Predetermination of License Eligibility for those convicted of a crime.

5 RELATES TO: KRS 13B, KRS 335B, KRS 315.121

6 STATUTORY AUTHORITY: KRS 315.020, KRS 315.030, KRS 315.035, KRS 315.0351, KRS
7 315.036, KRS 315.121, KRS 315.135, KRS 335B.030

8 CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies
9 with the requirements of 2025 RS HB 6, Section 8.

10 NECESSITY, FUNCTION, AND CONFORMITY: KRS 335B.032 requires the Board of Pharmacy
11 to implement a process by which an individual who has been convicted of a crime can obtain
12 a determination regarding whether the conviction will disqualify the individual from either
13 public agency employment or professional licensure. KRS 315.121 provides that the board
14 shall have the power to deny any license, permit, certificate, registration or renewal issued
15 by the board or applied for in accordance with KRS Chapter 315 or to deny admission to the
16 licensure examination, upon proof that the person has been convicted of any felony or a
17 misdemeanor, in accordance with KRS Chapter 335B, and pursuant to an administrative
18 hearing conducted in accordance with KRS Chapter 13B. This administrative regulation

establishes procedures for the predetermination of employment or licensure/credential eligibility for prospective applicants with a criminal conviction.

Section 1. Application: (1) To be considered for predetermination, an applicant shall submit:

(a) A completed and signed predetermination application;

(b) A non-refundable application fee in accordance with 201 KAR 2:050.

(2) The applicant may submit with the application evidence in accordance with KRS 335B.020(2).

Section 2. Notice of determination of eligibility and right to an administrative hearing.

(1) A notice of determination of eligibility shall be issued via email and USPS regular mail to the last known mailing and email addresses of the applicant within sixty (60) days of the filing of the completed application for predetermination.

(2) A notice of a determination of ineligibility shall inform the applicant of the specific reasons for the determination in accordance with KRS 335B.030(1).

(3) The notice shall further state:

(a) The applicant may challenge the determination of ineligibility by requesting an administrative hearing pursuant to KRS 335B.030(1)(a)(2);

(b) If a hearing is not requested in accordance with KRS 13B.050(1)(a)(2), the determination shall remain in effect for a period of one (1) year from (10) working days after service of the notice of determination. The applicant may not reapply during that period.

(c) A request for hearing shall include a statement regarding the basis of the appeal, and it shall be sent by email to the hearing officer and docket coordinator identified in the notice of denial;

1 (d) If the written request for hearing is timely submitted, the board shall issue a notice
2 of hearing in accordance with KRS 13B.050(1);

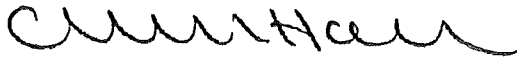
3 (e) Any new or previously submitted evidence relied upon by the applicant shall be
4 submitted upon reapplication; and

5 Section 3. Incorporation by Reference.

6 (1) "Application for Predetermination", 07/2026, is incorporated by reference.

7 (2) This material may be inspected, copied, or obtained, subject to applicable
8 copyright law, at the Kentucky Board of Pharmacy, 125 Holmes Street, Frankfort, Kentucky
9 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the
10 board's Web site at <https://pharmacy.ky.gov/statutesandregulations/Pages/default.aspx>

APPROVED BY AGENCY:

A handwritten signature in black ink, appearing to read "Chris Harlow", written over a horizontal line.

Christopher Harlow, Executive Director

9/10/2026

Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held on November 30, 2026 at 10:00 a.m. EST via Zoom Meetings. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through November 30, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Christopher Harlow, Executive Director, Kentucky Board of Pharmacy, 125 Holmes Street, Suite 300, State Office Building Annex, Frankfort, Kentucky 40601, phone (502) 564-7910, fax (502) 696-3806, email Christopher.harlow@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

201 KAR 2:063 Predetermination of License Eligibility for those convicted of a crime.

Contact person: Christopher Harlow , Contact Phone No.: 502-564-7910, Contact email: Christopher.harlow@ky.gov

Subject Headings: Pharmacy, Occupations and Professions, Workforce

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the process by which an individual with a prior criminal conviction may request a predetermination from the Kentucky Board of Pharmacy regarding whether the conviction would disqualify the individual from employment with the Board or from obtaining a license, permit, certificate, or registration issued by the Board. The administrative regulation establishes application requirements, procedures for issuance of the Board's determination, notice requirements, and procedures for requesting an administrative hearing following a determination of ineligibility.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to implement KRS 335B.032, which requires licensing authorities to establish an application process through which an individual who has been convicted of a crime may obtain a determination as to whether the conviction would disqualify the individual from public employment or occupational licensure before pursuing the training, education, or experience necessary for the position or license. KRS 335B.032 further requires licensing authorities to establish policies and procedures governing the application process by administrative regulation.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to KRS Chapter 335B by establishing the application and predetermination process required by KRS 335B.032 and providing procedures consistent with the standards and requirements established in KRS 335B.020 and 335B.030. It also conforms to KRS 315.121, which authorizes the Board to take action concerning a license, permit, certificate, or registration based upon a criminal conviction when such action is taken in accordance with KRS Chapter 335B.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in the effective administration of KRS Chapters 315 and 335B by establishing a uniform process through which individuals with prior criminal convictions may obtain a predetermination of eligibility before pursuing employment with the Board or the education, training, or experience required for a credential issued by the Board. The administrative regulation establishes

application, notice, determination, and hearing procedures necessary for the Board to consistently administer the requirements of KRS Chapter 335B.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of: N/A- This is a new regulation.

(a) How the amendment will change this existing administrative regulation: NA

(b) The necessity of the amendment to this administrative regulation: NA

(c) How the amendment conforms to the content of the authorizing statutes:

(d) How the amendment will assist in the effective administration of the statutes: NA

(3) Does this administrative regulation or amendment implement legislation from the previous five years? {If yes, provide the year of the legislation and either the bill number or Ky Acts chapter number being implemented.} Yes, KRS 335B.032 (2026)

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect individuals with prior criminal convictions who seek a predetermination of whether their conviction would disqualify them from employment with the Kentucky Board of Pharmacy or from obtaining a license, permit, certificate, or registration issued by the Board. The Board cannot reasonably estimate the number of individuals who will elect to seek predetermination because participation in the predetermination process is initiated by the individual and will depend upon the number of prospective applicants with prior criminal convictions who choose to utilize the process.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: An individual who elects to seek predetermination will be required to submit a completed and signed predetermination application and the applicable nonrefundable application fee. An applicant may also submit evidence authorized by KRS 335B.020 in support of the application. An applicant who receives a determination of ineligibility and elects to challenge that determination must timely request an administrative hearing in accordance with KRS Chapter 13B and the procedures established by this administrative regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): An individual who elects to seek a predetermination will incur the application fee established in 201 KAR 2:050. An applicant may also incur incidental costs associated with obtaining or submitting records or other

supporting documentation. No additional costs are imposed upon individuals who do not elect to utilize the predetermination process.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Individuals who utilize the predetermination process will benefit by obtaining a determination regarding the effect of a prior criminal conviction on their eligibility for employment or a credential issued by the Board before investing substantial time and financial resources in education, training, or experience necessary to qualify for the position or credential. The process also provides greater transparency and predictability regarding the Board's consideration of prior criminal convictions and provides applicants determined to be ineligible with notice of the specific reasons for the determination and an opportunity for administrative review.

(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: Initially: The Board anticipates minimal initial administrative costs associated with developing and implementing the application and predetermination process. These costs can be absorbed within the Board's existing budget and resources.

(b) On a continuing basis: Minimal cost to implement.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Implementation and enforcement of this administrative regulation will be funded through the existing operating funds of the Kentucky Board of Pharmacy.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in funding is anticipated to be necessary to implement this administrative regulation. The Board anticipates that implementation and administration can be accomplished using existing personnel and resources.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation requires an applicant seeking a predetermination to pay the nonrefundable application fee established in 201 KAR 2:050. The administrative regulation does not otherwise establish or increase any fee.

(10) TIERING: Is tiering applied? {Explain why or why not} This administrative regulation establishes a uniform predetermination process for individuals with prior criminal convictions who elect to seek a determination regarding eligibility for employment with the Board or for a license, permit, certificate, or registration issued by the Board. The application, notice, and procedural requirements apply uniformly to similarly situated applicants. Individual criminal convictions and circumstances will be evaluated in accordance with the criteria established by KRS Chapter 335B;

therefore, additional tiering of the procedural requirements established by this administrative regulation is neither necessary nor appropriate.

FISCAL IMPACT STATEMENT

201 KAR 2:063 Predetermination of License Eligibility for those convicted of a crime.

Contact person: Christopher Harlow , Contact Phone No.: 502-564-7910, Contact email: Christopher.harlow@ky.gov

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 315.020, 315.030, 315.035, 315.0351, 315.036, 315.121, 315.135, and KRS Chapter 335B, including KRS 335B.020, 335B.030, and 335B.032.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, HB 185 (2026) which amends KRS Chapter 335B.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Pharmacy is the promulgating agency. No other state units, parts or divisions will be impacted.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year: NA

For subsequent years: NA

2. Revenues:

For the first year: NA

For subsequent years: NA

3. Cost Savings:

For the first year: NA

For subsequent years: NA

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities should be affected by this regulation.

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year: NA

For subsequent years: NA

2. Revenues:

For the first year: NA

For subsequent years: NA

3. Cost Savings:

For the first year: NA

For subsequent years: NA

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): NA

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year: NA

For subsequent years: NA

2. Revenues:

For the first year: NA

For subsequent years: NA

3. Cost Savings:

For the first year: NA

For subsequent years: NA

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a):

(a) Fiscal impact of this administrative regulation: There is no anticipated impacted entities nor is there an anticipated fiscal impact of this administrative regulation.

(b) Methodology and resources used to reach this conclusion: The Board reviewed the provisions of the regulation and determined that the amendment does not impose any new fees, expenditures, staffing requirements or any other costs upon entities.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): This regulation will not have a major economic impact.

(b) The methodology and resources used to reach this conclusion: The Board reviewed the provisions of the regulation and determined that the amendment does not impose any new fees, expenditures, staffing requirements or any other costs upon entities.

Summary of Material Incorporated by Reference

The Application for Predetermination Regarding Criminal History, Edition 7.2026, is the form used by an individual to request a predetermination from the Kentucky Board of Pharmacy regarding whether the individual's criminal history is likely to disqualify them from obtaining a license, registration or certification issued by the Board. The application collects applicant and credential information; criminal history and information concerning the circumstances of the conviction; rehabilitation and mitigating information and other supporting documentation.

**Application for Pre Determination Regarding Criminal History
Pursuant to KRS Chapter 335 B**

Purpose:

Pursuant to KRS 335B.010, et seq., prior to pursuing any training or specialized education that is required to practice as a pharmacist, registered pharmacy technician or certification for pharmacist intern, this application allows an individual to request a determination from the Kentucky Board of Pharmacy regarding whether the individual's criminal history will likely disqualify the individual from obtaining a license/registration/certificate/renewal issued by the Board pursuant to KRS Chapter 315.

This is NOT an application for licensure, registration, permit or certification.

A favorable predetermination does not waive any other statutory or regulatory licensing requirements.

Section I: Applicant Information

Full Legal Name: _____

Other Names Used: _____

Date of Birth: _____

Last four digits of SSN: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____

Email: _____

Section II: Credential or Licensure Sought

I am requesting a predetermination for the following credential:

☐ Pharmacist License

☐ Pharmacy Technician Registration

☐ Pharmacist Intern Registration

☐ Other Board Credential: _____

Section III: Criminal History

Have you ever been convicted of, entered a guilty plea, entered an Alford plea, entered a plea of nolo contendere, or otherwise been convicted of a criminal offense?

☐ Yes ☐ No

If "No," skip to Applicant Certification.

If "Yes," complete the following for each conviction.

Conviction # _____
Offense: _____
Jurisdiction: _____
Case Number: _____
Date of Conviction: _____
Sentence Imposed: _____
Date Sentence Completed: _____
Current Status (if applicable):
☐ Probation
☐ Parole
☐ Other: _____

Add additional pages if necessary

Section IV : Applicant Statement

Please describe the circumstances surrounding each conviction. Applicant may attach a document to this application to serve as a statement or provide a response here. Please address the following questions in the statement:

1. Describe in your own words the relationship of the crime to the licensure/registration/certification that you are seeking.
2. Describe in your own words the relationship of the crime to your ability, capacity and fitness to perform the duties and discharge the responsibilities in pharmacy practice.
3. Describe in your own words the relationship of the crime to your ability, capacity and fitness to perform the duties and responsibilities of a public employment position.

Section V: Rehabilitation and Mitigating Information

The Board is required to consider information submitted by the applicant concerning rehabilitation and the relationship of the conviction to the credential sought. Please provide any information you believe the Board should consider such as: Time Since Conviction, Age at Time of Offense, Employment History, Education or Training, Compliance with Court Requirements, Treatment or Counseling, Community Involvement, Personal Statement

Section VI: Supporting Documentation

Please attach copies of any documents you wish the Board to consider, including, if applicable:

☐ Criminal judgment(s)

☐ Order of discharge

- | | |
|--|--|
| ☐ Order terminating probation or parole | ☐ Educational certificates |
| ☐ Expungement documentation | ☐ Treatment completion certificates |
| ☐ Certificate of Employability | ☐ Military records |
| ☐ Letters of recommendation | ☐ Other: _____ |
| ☐ Employer references | |

Section VII: Applicant Certification

I certify under penalty of law that the information contained in this application and all attachments is true and correct to the best of my knowledge.

- I understand that:
- This application is only a request for a predetermination under KRS Chapter 335B.
- A favorable predetermination is not a license, registration, permit, or certificate.
- I must satisfy all statutory and regulatory requirements before any credential may be issued.
- Any predetermination is based upon the information submitted with this application.
- A material omission, misrepresentation, or subsequent criminal conviction may affect any predetermination issued by the Board.

Applicant Signature

Printed Name

Date